

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Conner et al.

Serial No.: 10/660,208

Filed: September 11, 2003

For: PLANT REGULATORY SEQUENCES
FOR SELECTIVE CONTROL OF GENE
EXPRESSION

Group Art Unit: 1638

Examiner: Collins, Cynthia E.

Atty. Dkt. No.: MONS:118USD1

Confirmation No.: 7582

CERTIFICATE OF ELECTRONIC SUBMISSION

DATE OF SUBMISSION: October 24, 2006

INFORMATION DISCLOSURE STATEMENT

MS AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R. § 1.97(g), (h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be

an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This application is a divisional application of Serial No. 09/846,903, filed May 1, 2001 and is relied upon for an earlier filing date under 35 U.S.C. § 120. In accordance with Rule 37 C.F.R. § 1.98(d) only copies of those documents not previously cited and submitted to the Patent and Trademark Office in prior application Serial No. 09/846,903 are enclosed for the convenience of the Examiner.

A fee as set forth in 37 C.F.R. § 1.17(p) in the amount of \$180.00 has been authorized. If the appropriate amount has not been submitted, or if it is insufficient, the Commissioner is authorized to deduct the appropriate fee from Fulbright & Jaworski Account No.: 50-1212/MONS:118USD1.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,



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Attorney for Applicants

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(512) 474-5201

Date: October 24, 2006

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| Form PTO-1449 (modified) | Atty. Docket No. MONS:118USD1 | Serial No. 10/660,208 |
| List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary) | Applicant Conner et al. | |
| | Filing Date: September 11, 2003 | Group: 1638 |
| U.S. Patent Documents <i>See Page 1</i> | Foreign Patent Documents <i>See Page 1</i> | Other Art <i>See Page 1</i> |

U.S. Patent Documents

| Exam. Init. | Ref. Des. | Document Number | Date | Name | Class | Sub Class | Filing Date of App. |
|-------------|-----------|-----------------|----------|-----------------------------|-------|-----------|---------------------|
| | A1 | 5,589,610 | 12/31/96 | De Beuckeleer <i>et al.</i> | 800 | 303 | 08/05/93 |

Foreign Patent Documents

| Exam. Init. | Ref. Des. | Document Number | Date | Country | Language |
|-------------|-----------|-----------------|----------|---------|----------|
| | B1 | WO 90/08825 | 08/09/90 | WIPO | English |
| | B2 | WO 96/40925 | 12/19/96 | WIPO | English |
| | B3 | WO 97/44448 | 11/27/97 | WIPO | English |
| | B4 | WO 99/43797 | 09/02/99 | WIPO | English |

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

| Exam. Init. | Ref. Des. | Citation |
|-------------|-----------|--|
| | C1 | Ainley <i>et al.</i> , GenBank Accession No. AAV63717, and, AAV63730, April 12, 1999. |
| | C2 | Custers <i>et al.</i> , "Analysis of micro-specific promoters in transgenic tobacco," <i>Plant Mol. Biol.</i> , 35:689-699, 1997. |
| | C3 | Eyal <i>et al.</i> , "Pollen specificity elements reside in 30 bp of the proximal promoters of two pollen-expressed genes," <i>Plant Cell</i> , 7(3):373-384, 1995. |
| | C4 | Hamilton <i>et al.</i> , "A monocot pollen-specific promoter contains separable pollen-specific and quantitative elements," <i>Plant Mol. Biol.</i> , 38:663-669, 1998. |
| | C5 | Kim <i>et al.</i> , "A 20 nucleotide upstream element is essential for the nopaline synthase (nos) promoter activity," <i>Plant Mol. Biol.</i> , 24(1):105-117, 1994. |
| | C6 | Tacke <i>et al.</i> , GenBank Accession No. X88779, zmays Glossy2 locus DNA, May 9, 1996. |
| | C7 | Terada <i>et al.</i> "A type I element composed of the hexamer (ACGTCA) and octamer (CGCGGATC) motifs plays a role(s) in meristematic expression of a wheat histone H3 gene in transgenic rice plants," <i>Plant Molecular Biology</i> , 24:17-26, 1995. |

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EXAMINER:**DATE CONSIDERED:**

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

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| U.S. Patent Documents <i>See Page 1</i> | Foreign Patent Documents <i>See Page 1</i> | Other Art <i>See Page 1</i> | |

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

| Exam. Init. | Ref. Des. | Citation |
|----------------|--------------|---|
| | C8 | Tsuchiya <i>et al.</i> , "Molecular characterization of rice genes specifically expressed in the anther tapetum," <i>Plant Mol. Biol.</i> , 26:1737-1746, 1994. |
| | C9 | Twell <i>et al.</i> , "Promoter analysis of genes that are coordinately expressed during pollen development reveals pollen-specific enhancer sequences and shared regulatory elements," <i>Genes & Development</i> , 5:496-507, 1991. |
| | C10 | Walbot, EMBL Accession No. AW562753, March 15, 2000. |
| | C11 | Walbot, EMBL Accession No. AW566088 |
| | C12 | Zabaleta <i>et al.</i> , "Promoters of nuclear-encoded respiratory chain complex I genes from arabidopsis thaliana contain a region essential for anther/pollen-specific expression," <i>The Plant Journal</i> , 15:49-59, 1998. |

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